

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Claims 1-29 remain cancelled and claims 52-54 are newly cancelled without prejudice or disclaimer of the subject matter contained therein.

Claims 30-51, 55 and 56 were rejected under 35 U.S.C. § 102(b) as being anticipated by Alyfuku et al. (U.S. 5,410,471).

Initially, Applicants acknowledge the Examiner's position that the term "operable to" may be interpreted as intended use and/or optional language. In view of the Examiner's position, portions of independent claims 30, 44, 46, 48, 55 and 56 have been amended to replace the term "operable to" with non-optional language. Therefore, it is respectfully submitted that the amended limitations recited in independent claims 30, 44, 46, 48, 55 and 56 should be given patentable weight.

Amended independent claim 30 recites a vital data utilization system including a server, a receiving apparatus, and a plurality of measurement instruments. Further, claim 30 recites that each measurement instrument includes a vital data measurement unit configured to measure vital data of a subject in a quantitative manner. In addition, claim 30 recites that (1) the server includes database making unit storing received sets of information and making a database associating each received set of information with a respective subject and measurement time. Finally, claim 30 recites that (2) the server includes a value-added information making unit calculating the vital data for each respective subject and measurement time (stored in the database) and making value-added information indicating changes over time of average values of the vital data calculated for the subjects. The Alyfuku references, or any combination thereof,

fail to disclose or suggest the above-mentioned distinguishing features (1) and (2) as recited in independent claim 30.

Rather, Alyfuku teaches a networked health care system 10 (having various appliances connected therein) which merely obtains and transmits vital information to data controller 20 which stores the vital information, wherein the vital information can be accessed by the various appliances of the health care system 10 (see col. 8, lines 52-67; and abstract).

Thus, in view of the above, it is clear that Alyfuku teaches that information is obtained from various appliances and is stored (for later access by the appliances), but does not disclose or suggest the database making unit storing received sets of information and making a database associating each received set of information with a respective subject and measurement time, as recited by claim 30. Additionally, it is apparent that Alyfuku fails to disclose or suggest the value-added information making unit calculating vital data for each respective subject and measurement time (stored in the database) and making value-added information indicating changes over time of average values of the vital data calculated for the subjects, as required by claim 30.

Moreover, new independent claim 44 recites that the value-added information making unit (i) calculates differential values between the vital data and previously-set standard values of the vital data, (ii) averages the calculated differential values concerning subjects satisfying a predetermined condition in a predetermined time segment, and (iii) makes value-added information indicating changes over time of average values of the differential values concerning the subjects. In view of the above-described features of Alyfuku it is clear that independent

claim 44 recites features (i.e., feature (iii) as described above) which are neither disclosed nor suggested by Alyfuku. Accordingly, it is respectfully submitted that independent claim 44 and claim 45 which depends therefrom are not anticipated by Alyfuku.

In addition, new independent claim 46 recites that the value-added information making unit (i) calculates differential values between respective vital data included in sets of information stored in individual subject databases and individual subject averages of the vital data in a past predetermined period, (ii) averages the calculated differential values concerning subjects satisfying a predetermined condition in a predetermined time segment, and (iii) makes value-added information indicating changes over time of average values of the differential values concerning the subjects. In view of the above-described features of Alyfuku it is clear that independent claim 46 recites features (i.e., feature (iii) as described above) which are neither disclosed or suggested by Alyfuku. Accordingly, it is respectfully submitted that independent claim 46 and claim 47 which depends therefrom are not anticipated by Alyfuku.

Furthermore, there is no disclosure or suggestion in Alyfuku or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Alyfuku to obtain the invention of independent claims 30, 44, and 46. Accordingly, it is respectfully submitted that independent claims 30, 44, and 46 and claims 31-43, 45, and 47 which depend therefrom are allowable over the prior art of record.

Amended independent claims 48, 55 and 56 recite a system, a server, and a receiving apparatus, respectively. Claims 48, 55 and 56 each recite features that correspond to the above-mentioned distinguishing features of independent claim 30 (e.g. making value-added information

indicating changes over time of average values of the vital data calculated for the respective subjects). Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 48, 55 and 56 and claims 49-51 which depend therefrom are allowable over Alyfuku.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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By: 2009.01.14 14:45:53 -05'00'

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January 14, 2009